

ENTERED

November 16, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re BP p.l.c. Securities Litigation

No. 4:10-md-02185

This document relates to:

Alameda County Employees' Retirement Association, et al. v. BP p.l.c. et al.

No. 4:12-cv-01256 (cons.)

Avalon Holdings Inc., et al. v. BP p.l.c. et al.

No. 4:12-cv-03715

Stichting Pensionenfonds Metaal en Techniek, et al. v. BP p.l.c. et al.

No. 4:13-cv-00069

HESTRA Super Fund v. BP p.l.c. et al.

No. 4:13-cv-00129

New York City Employees' Retirement System et al. v. BP p.l.c. et al.

No. 4:13-cv-01393

Arkansas Teacher Retirement System, et al. v. BP p.l.c., et al.

No. 4:14-cv-00457

Washington State Investment Board v. BP p.l.c., et al.

No. 4:14-cv-00980

Helaba Invest Kapitalanlagegesellschaft mbH, et al. v. BP p.l.c., et al.

No. 4:14-cv-01065

Maryland State Retirement and Pension System v. BP p.l.c., et al.

No. 4:14-cv-01068

GIC Private Limited v. BP p.l.c., et al.

No. 4:14-cv-01072

Pension Reserves Investment Management Board of Massachusetts v. BP p.l.c., et al.

No. 4:14-cv-01084

Virginia Retirement System, et al. v. BP p.l.c., et al.

No. 4:14-cv-01085

Louisiana State Employees' Retirement System, et al. v. BP p.l.c., et al.

No. 4:14-cv-01087

The Bank of America Pension Plan v. BP p.l.c., et al.

No. 4:14-cv-01418

Honorable Keith P. Ellison

ORDER

WHEREAS, Defendants in the above-captioned actions filed a motion for judgment on the pleadings (MDL 2185 ECF No. 1662) seeking dismissal of certain claims under the Securities Exchange Act of 1934 (“Exchange Act”) as time-barred; and

WHEREAS the Court granted Defendants’ motion by Memorandum and Order dated September 18, 2018 (MDL 2185 ECF No. 1707);

IT IS HEREBY ORDERED that Plaintiffs’ Exchange Act claims based on the following alleged misstatements in the following cases are dismissed:

- Robert Malone’s statements in *The BP Magazine* on April 7, 2007 in:
 - *Alameda Cty. Empl. Ret. Ass’n. v. BP p.l.c.*, No. 12-cv-01256 (cons.), Second Amended Complaint (“*Alameda*”) (ECF No. 148) ¶¶ 357-359;
 - *HESTRA Super Fund v. BP p.l.c.*, No. 13-cv-00129, Second Amended Complaint (“*HESTRA*”) (ECF No. 118) ¶¶ 357-359;
 - *New York City Empl. Ret. Sys. v. BP p.l.c.*, No. 13-cv-1393, First Amended Complaint (“*New York City*”) (ECF No. 102) ¶¶ 357-359;
 - *Stichting Pensioenfonds Metaal en Techniek v. BP p.l.c.*, No. 13-cv-00069, Second Amended Complaint (“*Stichting Pensioenfonds*”) (ECF No. 120) ¶¶ 357-359; and
 - *The Bank of America Pension Plan v. BP p.l.c.*, No. 14-cv-01418, First Amended Complaint (“*Bank of America*”) (ECF No. 28) ¶¶ 357-359.
- Anthony Hayward’s speech at the Houston Forum on November 8, 2007 in:
 - *HESTRA* ¶ 373;
 - *New York City* ¶ 373;
 - *Stichting Pensioenfonds* ¶ 373;
 - *Bank of America* ¶ 373;
 - *Avalon Holdings, Inc. v. BP p.l.c.*, No. 12-cv-03715, Second Amended Complaint (“*Avalon*”) (ECF No. 121) ¶ 220;
 - *GIC Private Ltd. v. BP p.l.c.*, No. 14-cv-1072, Amended Complaint (“*GIC Private Ltd.*”) (ECF No. 27) ¶ 334;
 - *Helaba Invest Kapitalanlagegesellschaft mbH v. BP p.l.c.*, No. 14-cv-1065, Amended Complaint (“*Helaba*”) (ECF No. 28) ¶ 334;
 - *Louisiana State Empl. Ret. Sys. v. BP p.l.c.*, No. 14-cv-01087, Amended Complaint (“*Louisiana*”) (ECF No. 36) ¶ 339;

- *Maryland State Ret. and Pension Sys. v. BP p.l.c.*, No. 14-cv-01068, Amended Complaint (“Maryland”) (ECF No. 22) ¶ 145;
 - *Arkansas Teacher Ret. Sys. v. BP p.l.c.*, No. 14-cv-00457, Amended Complaint (“Arkansas”) (ECF No. 26) ¶ 299;
 - *Virginia Ret. Sys. v. BP p.l.c.*, No. 14-cv-01058, Amended Complaint (“Virginia”) (ECF No. 22) ¶ 301;
 - *Washington State Inv. Bd. v. BP p.l.c.*, No. 14-cv-00980, Second Amended Complaint (“Washington”) (ECF No. 59) ¶ 272; and
 - *Pensions Reserves Inv. Mgmt. Bd. of Massachusetts v. BP p.l.c.*, No. 14-cv-01084, Amended Complaint (“Pension Reserves”) (ECF No. 27) ¶ 288.
- Anthony Hayward’s statements in BP’s 2007 Annual Review dated February 22, 2008 in:
 - *New York City* ¶ 380;
 - *Bank of America* ¶ 380;
 - *GIC Private Ltd.* ¶ 336;
 - *Helaba* ¶ 336;
 - *Louisiana* ¶ 341;
 - *Maryland* ¶ 147;
 - *Arkansas* ¶ 301;
 - *Virginia* ¶ 303;
 - *Washington* ¶ 274; and
 - *Pension Reserves* ¶ 290.
- Anthony Hayward’s statements during the February 27, 2008 strategy presentation call in:
 - *New York City* ¶ 382;
 - *Bank of America* ¶ 382;
 - *GIC Private Ltd.* ¶ 338;
 - *Helaba* ¶ 338;
 - *Louisiana* ¶ 343;
 - *Maryland* ¶ 149;
 - *Arkansas* ¶ 303;
 - *Virginia* ¶ 305;
 - *Washington* ¶ 276; and
 - *Pension Reserves* ¶ 292.
- BP’s statements in the 2007 Annual Report dated March 4, 2008 in:
 - *New York City* ¶ 384;
 - *Bank of America* ¶ 384;
 - *GIC Private Ltd.* ¶ 340;
 - *Helaba* ¶ 340;
 - *Louisiana* ¶ 345;

- *Maryland* ¶ 151; and
 - *Pension Reserves* ¶ 294.
- Anthony Hayward's speech at BP's Annual General Meeting on April 17, 2008 in:
 - *Bank of America* ¶¶ 386-387;
 - *GIC Private Ltd.* ¶¶ 342-343;
 - *Helaba* ¶¶ 342-343;
 - *Louisiana* ¶ 347;
 - *Maryland* ¶ 153;
 - *Arkansas* ¶¶ 305-306;
 - *Virginia* ¶¶ 307-308;
 - *Washington* ¶¶ 278-279; and
 - *Pension Reserves* ¶ 296.
- Anthony Hayward's speech at the HRH Prince of Wales's 3rd Annual Accounting for Sustainability Forum on December 17, 2008 in:
 - *Bank of America* ¶ 398;
 - *GIC Private Ltd.* ¶ 345;
 - *Helaba* ¶ 345;
 - *Louisiana* ¶ 350;
 - *Maryland* ¶ 155;
 - *Arkansas* ¶ 308;
 - *Virginia* ¶ 310;
 - *Washington* ¶ 281; and
 - *Pension Reserves* ¶ 298.
- Anthony Hayward's statements in BP's 2008 Annual Review dated February 24, 2009 in:
 - *Bank of America* ¶ 401;
 - *GIC Private Ltd.* ¶ 347;
 - *Helaba* ¶ 347;
 - *Louisiana* ¶ 352;
 - *Maryland* ¶ 157;
 - *Arkansas* ¶ 310;
 - *Virginia* ¶ 312;
 - *Washington* ¶ 283; and
 - *Pension Reserves* ¶ 300.
- BP's statements in the 2008 Annual Report dated March 4, 2009 in:
 - *Bank of America* ¶¶ 403-404;
 - *GIC Private Ltd.* ¶¶ 349-350;

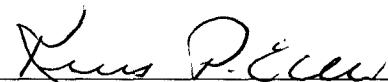
- *Helaba* ¶¶ 349-350;
- *Louisiana* ¶¶ 354-355;
- *Maryland* ¶¶ 159-160;
- *Virginia* ¶¶ 314-315;
- *Washington* ¶¶ 285-286; and
- *Pension Reserves* ¶¶ 302-303.

- BP's statements in the Initial Exploration Plan dated March 10, 2009 in:
 - *Bank of America* ¶¶ 406-409;
 - *GIC Private Ltd.* ¶¶ 365-368;
 - *Helaba* ¶¶ 365-368;
 - *Louisiana* ¶¶ 357-360;
 - *Virginia* ¶¶ 317-320;
 - *Washington* ¶¶ 288-291; and
 - *Pension Reserves* ¶¶ 305-308.

- Anthony Hayward's statements in the 2008 Sustainability Review dated April 16, 2009 in:
 - *Bank of America* ¶ 416;
 - *GIC Private Ltd.* ¶ 352;
 - *Helaba* ¶ 352;
 - *Louisiana* ¶ 367;
 - *Maryland* ¶ 162;
 - *Virginia* ¶ 327; and
 - *Pension Reserves* ¶ 315.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this 15th day of November 2018.


KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE